IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 15425 of 2007(S)

PETITIONER:

PEOPLE'S VIGILANCE ASSOCIATION,
REG.NO.K. 64/06, VI/277, CHOOTTUVELY BUILDING,
CHOOTTUVELY JUNCTION, S.H.MOUNT P.O.,
KOTTAYAM - 686 006, REPRESENTED BY ITS PRESIDENT
SUNNY MATHEW.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, PUBLIC WORKS AND TRANSPORT (L)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, COLLECTORATE,
KOTTAYAM - 686 002.

3. THE ETTUMANNOOR GRAMA PANCHAYATH,
ETTUMANOOR P.O., KOTTAYAM - 686 631,
REPRESENTED BY ITS SECRETARY.

4. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.

R4 BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
R1 & R2 BY SENIOR GOVERNMENT PLEASER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOSTAT COPY OF THE COMMUNICATION SUBMITTED BY THE 4TH RESPONDENT TO THE PETITIONER DATED 3.11.2006.

EXT.P2 SOME PHOTOGRAPHS OF THE KSRTC BUS STATION, ETTUMANOOR AND THE NEARBY AREAS.

EXT.P3 TRUE PHOTOSTAT COPY OF THE COMMUNICATION FROM THE 4TH RESPONDENT TO THE RESPONDENT NO.1 DATED 30.6.1988.

EXT.P4 TRUE PHOTOSTAT COPY OF THE REPRESENTATION FILED BY THE PETITIONER TO MANY PERSONS INCLUDING THE RESPONDENTS 1 TO 4, DATED 1.12.2006.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

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H.L. DATTU, C.J. & K.T. SANKARAN, J.

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WRIT PETITION (C)No. 15425 OF 2007

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Dated this the 11th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Petitioner is an organization registered under the provisions of the Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955 . They claim themselves to the champions of the public. In this petition filed under Article 226 and 227 of the Constitution of India , the petitioner seeks the following reliefs, they are as under:

> *" i) To issue a writ, direction or order in the nature of mandamus commanding the respondents to measure by metes and bounds and take possession of 2 acres 51 cents 11 sq. links of land in Sy. Nos. 539/5-6-7, 539/7A, 539/6-2, 539/6, 539/73, 539/4 and 539/3 in Ettumanoor Village, the property referred to in Exhibit P3 communication, within a reasonable time which this Honourable Court deem think fit and necessary in the circumstances of the case and take appropriate action against the persons who have encroached on it, in accordance with law.*
>
> *ii) Such other reliefs which this Honourable Court deems fit and necessary in the circumstances of the case and the costs of this case. "*

2. For the present, we intend to give only a part of the reliefs to

the petitioner, i.e, to direct the respondents to measure certain lands situated in Ettumanoor Village. If such a prayer is granted, it will not cause any inconvenience to any one of the respondents. In that view of the matter, without going into the other details, this Writ Petition is allowed in part. A direction is issued to the second respondent, viz., the District Collector, Kottayam to measure, by metes and bounds, the lands in Sy. Nos. 539/5-6-7, 539/7A, 539/6-2, 539/6, 539/73, 539/4 and 539/3, now re-numbered as 9/3(9/6), 9/2, 12/1,2,3,7,8,9, 12/4,5,6,Part, 10/1, 31/8 situated in Ettumanoor Village, Kottayam, as early as possible, at any rate, within six months from today, after issuing proper notices to the petitioner, 3rd and 4th respondents and also to other persons, if any, interested in the lands in question.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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